

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CR-339-D
No. 5:15-CV-358-D
No. 5:19-CV-206-D

ERIC BRANCH,

Petitioner,

v.

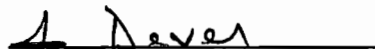
UNITED STATES OF AMERICA,

Respondent.

ORDER

The court has reviewed the record. The court GRANTS respondent's motion to dismiss [D.E. 172] and DISMISSES WITHOUT PREJUDICE petitioner's motion to vacate [D.E. 164]. The court also DISMISSES WITHOUT PREJUDICE petitioner's motion for summary judgment [D.E. 177]. Because petitioner's section 2255 motion is "successive," and he has not received authorization for the Fourth Circuit to file it, the court lacks jurisdiction to consider his motions. See, e.g., 28 U.S.C. § 2255(h); Gonzalez v. Crosby, 545 U.S. 524, 528–38 (2005); Richardson v. Thomas, 930 F.3d 587, 595–600 (4th Cir. 2019); Moses v. Joyner, 815 F.3d 163, 167–69 (4th Cir. 2016); cf. [D.E. 121, 130, 135, 136, 137, 139, 145, 146, 147, 148, 149, 150, 153, 156, 159, 162, 163, 164, 173, 184, 185, 189]. The court also DENIES a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 30 day of July 2020.


JAMES C. DEVER III
United States District Judge